

EIGHTH DAY
(Monday, January 27, 1975)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Bracklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Longoria

A quorum was announced present.

Pastor Curtis Johnson, Lutheran Campus Pastor, University of Texas, Austin, Texas, offered the invocation as follows:

God of every person and every place, God of both "the chosen people" and the valleys where shadows hide death, consider now your people in this place:

Shine your face upon us.

Give us a dream which is less than fantasy and more than rhetoric.

Open our eyes to make covenants that honor justice and sustain hope.

Let your countenance inspire us to be more than God-fearing;

Create in us hearts that love both life and land....

Lead us to believe in the person as much as the people that our valleys may be full and their fruits shared by all. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of Thursday, January 23, 1975, was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Longoria was granted leave of absence for today on account of important business on motion of Senator Harrington.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled resolutions:

S.C.R. 10

S.C.R. 8

S.C.R. 9

S.C.R. 12

REPORTS OF STANDING COMMITTEES

Senator Aikin submitted the following report for the Committee on Finance:

S.B. 50

Senator Mauzy submitted the following report for the Committee on Education:

S.B. 62**SENATE BILLS AND RESOLUTION ON FIRST READING**

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

By Senator Williams:

S.B. 95, A bill to be entitled An Act relating to special license plates for disabled veterans; amending Subsections (a), (c), (d), and (f), Section 5e, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6675a-5e, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on State Affairs.

By Senators Ogg, Brooks, Longoria and Santiesteban:

S.B. 96, A bill to be entitled An Act relating to bilingual education programs in public schools; amending Subsection (b), Section 21.453 and Section 21.460, Texas Education Code; and declaring an emergency.

To Committee on Education.

By Senator McKinnon:

S.B. 97, A bill to be entitled An Act adapting and incorporating certain provisions of the Uniform Alcoholism and Intoxication Treatment Act into the Texas law relating to the Texas Commission on Alcoholism; amending Sections 3 and 5, Chapter 411, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 5561c, Vernon's Texas Civil Statutes), and adding Sections 1A, 16A, 17A, 17B, and 17C; repealing Section 42.08, Penal Code of Texas, 1973, and other laws in conflict with the provisions of the Act; and declaring an emergency.

To Committee on Human Resources.

By Senator Meier:

S.B. 99, A bill to be entitled An Act to prescribe the process for the calling of a constitutional convention to convene in 1976; to provide the qualifications of delegates and for the election and appointment of delegates; to provide for a pre-convention planning committee; to provide for the authority and operation of the convention; to provide for the compensation of delegates; to provide for the submission of convention proposals; appropriating money for the pre-convention planning committee and the convention; and declaring an emergency.

To Committee on Texas Constitution.

By Senator Santiesteban:

S.B. 101, A bill to be entitled An Act amending and reenacting Chapter 279, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 5421z, Vernon's Texas Civil Statutes), relating to the state's trust responsibility respecting Texas Indians; repealing Chapter 277, Acts of the 60th Legislature, Regular Session, 1967 (Article 5421z-1, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on State Affairs.

By Senators Brooks, Ogg, Longoria and Santiesteban:

S.B. 102, A bill to be entitled An Act relating to bilingual education programs in public schools; amending Sections 21.451, 21.452, 21.453, 21.454, 21.455, 21.456, and 21.460, Texas Education Code; amending and renumbering Section 11.17, Texas Education Code, as added by Section 2, Chapter 392, Acts of the 63rd Legislature, 1973; and declaring an emergency.

To Committee on Education.

By Senator Santiesteban:

S.B. 103, A bill to be entitled An Act relating to driver education programs in the public schools; amending Chapter 16, Texas Education Code, by adding Subchapter J; and declaring an emergency.

To Committee on Education.

By Senators Schwartz and Adams:

S.C.R. 17, Providing for the adoption of the Joint Rules for the 64th Legislature.

To Committee on Administration.

SENATE CONCURRENT RESOLUTION 16

Senator McKinnon offered the following resolution:

S.C.R. 16, Memorializing Congress to insure Department of Defense adhere to proper procedures when reviewing status of MIA's.

On motion of Senator McKinnon and by unanimous consent, the resolution was considered immediately and was adopted.

MESSAGES FROM THE GOVERNOR

The following Message received from the Governor was read and was referred to the Committee on State Affairs, Sub-Committee on Nominations:

Austin, Texas
January 27, 1975

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Members of the Gulf Coast Waste Disposal Authority: For a two-year term to expire August 31, 1976: Mr. Thomas Frank Jenkins of Winnie, Chambers County is being reappointed; Dr. Frank Lamont Jennings of LaMarque, Galveston County is being reappointed.

The following Messages from the Governor were read and were referred to the Committee on Jurisprudence:

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment as an emergency matter under Article III Section 5 of the Constitution:

To be Judge of the Juvenile Court No. 2 of Dallas County, Texas until the next general election and until his successor shall be duly elected and qualified: The Honorable Pat McClung of Dallas, Dallas County is replacing Judge Ted Robertson of Dallas, Dallas County who resigned.

To be District Judge of the 95th Judicial District of Texas, Dallas County until the next general election and until his successor shall be duly elected and qualified: The Honorable Ted Z. Robertson of Dallas, Dallas County is replacing Judge Ted Akin of Dallas, Dallas County who resigned.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

SENATE BILL 50 ORDERED NOT PRINTED

On motion of Senator Sherman and by unanimous consent, **S.B. 50** was ordered not printed.

SENATE JOINT RESOLUTION 3 ON SECOND READING

The President laid before the Senate on its second reading and passage to engrossment (the resolution having been submitted by the Governor as an emergency):

S.J.R. 3, Proposing an amendment, relating to state and local retirement systems and programs, to Article XVI of the Texas Constitution; and repealing Sections 48a, 48b, 51e, and 51f of Article III, and Sections 62 and 63 of Article XVI, of the Texas Constitution.

The resolution was read second time.

Senator Doggett offered the following Committee Amendment to the resolution:

Amend Section 3 to read as follows:

The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Saturday in April, 1975, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment revising and consolidating provisions relating to state and local retirement systems and programs."

The Committee Amendment was read and was adopted.

Senator Aikin offered the following amendment to the resolution:

Amend **S.J.R. 3** as follows:

(1) Strike Subdivision (3), Subsection (b), of quoted Section 67, and substitute the following:

"(3) The amount contributed by a person participating in the Employees Retirement System of Texas or the Teacher Retirement System of Texas shall be established by the Legislature but may not be less than six per cent (6%) of current

compensation. The amount contributed by the State may not be less than six per cent (6%) nor more than ten per cent (10%) of the aggregate compensation paid to individuals participating in the system. In an emergency, as determined by the Governor, the Legislature may appropriate such additional sums as are actuarially determined to be required to fund benefits authorized by law."

(2) Add Subsection (e) to quoted Section 67, to read as follows:

"(e) Anticipatory Legislation. Legislation enacted in anticipation of this amendment is not void because it is anticipatory."

AIKIN
MOORE

The amendment was read and was adopted.

RECORD OF VOTE

Senator Clower asked to be recorded as voting "Nay" on the adoption of the amendment.

On motion of Senator Doggett and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The resolution as amended was then passed to engrossment.

SENATE JOINT RESOLUTION 3 ON THIRD READING

Senator Doggett moved that Senate Rule 68 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.J.R. 3** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Bracklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Longoria.

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time.

By unanimous consent, Senator Andujar offered the following amendment to the resolution:

Amend **S.J.R. 3** by amending Section 3 of the resolution by adding the following after "systems and programs" on line 11 of page 4:

"and providing for a maximum state contribution to state systems of ten percent (10%) of the aggregate compensation paid to individuals."

The amendment was read and was adopted by unanimous consent.

The resolution as amended was then finally passed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Longoria.

SENATE BILL 22 ON SECOND READING

Senator Doggett moved that Senate Rule 89 and Section 5 of Article III of the State Constitution be suspended and that S.B. 22 be placed on its second reading and passage to engrossment.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Kothmann, Lombardino, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Jones.

Absent-excused: Longoria.

The President laid before the Senate on its second reading and passage to engrossment:

S.B. 22, A bill to be entitled An Act relating to the issuance of a State Parklands Passport to certain residents of this state who are 65 years of age or over and providing certain rights to holders of passports; and declaring an emergency.

The bill was read second time.

Senator Doggett offered the following Committee Amendment to the bill:

Amend Sec. 2 by deleting the following from line 11 and 12: "showing the name of the person to whom it applies."

Amend Sec. 3 by adding the following after the word fee in line 19: "when the holder is present."

Amend Sec. 4 to read as follows: "The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force no later than 60 days ~~from~~ and] after its passage, and it is so enacted."

The Committee Amendment was read and was adopted.

On motion of Senator Doggett and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTE

Senator Creighton asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 22 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 22** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Kothmann, Lombardino, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Creighton, Jones and McKinnon.

Absent-excused: Longoria.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Kothmann, Lombardino, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Creighton and Jones.

Absent-excused: Longoria.

SENATE BILL 50 ON SECOND READING

On motion of Senator Sherman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment (the bill having been submitted by the Governor as an emergency):

S.B. 50, A bill to be entitled An Act appropriating state funds to West Texas State University for constructing and equipping an instructional building; and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 50 ON THIRD READING

Senator Sherman moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 50** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Longoria.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Longoria.

COMMUNICATION FROM PRESIDENT

The following Communications from the President were read and were filed with the Secretary of the Senate:

January 23, 1975

TO: Mr. Charles Schnabel
Secretary of the Senate

The Lieutenant Governor makes the following Committee Appointment: To the Sub-Committee on Consumer Affairs - Senator Chet Brooks.

January 23, 1975

The Honorable William P. Hobby
Lieutenant Governor
State of Texas
Austin, Texas

Dear Lt. Governor:

I respectfully request to be released from my appointment on the Consumer Affairs Sub-Committee.

Yours sincerely,
/s/Frank Lombardino

SENATE BILLS ON FIRST READING

By unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

By Senator Schwartz:

S.B. 100, A bill to be entitled An Act relating to regulation of the sale of subdivided land and condominiums in any county bordering on the Gulf of Mexico; providing a penalty; and declaring an emergency.

To Committee on State Affairs.

By Senator Schwartz:

S.B. 104, A bill to be entitled An Act relating to the registration and certification of persons engaged in the assessment of property for ad valorem taxation; creating the State Board of Registration and Professional Certification for Assessors in Texas; providing functions, duties, and procedures applicable to the board; providing penalties; providing for the appropriation of funds; and declaring an emergency.

To Committee on State Affairs.

By Senator Ogg:

S.B. 105, A bill to be entitled An Act relating to requiring the regulations of the Consumer Credit Commissioner dealing with pawnbrokers to provide for adequate identification of pledgors and specifying certain requirements; amending Section 9, Chapter 894, Acts of the 62nd Legislature, Regular Session, 1971 (Article 5069-51.09, Vernon's Texas Civil Statutes), by adding a Subsection (c); and declaring an emergency.

To Committee on Economic Development.

By Senators Ogg and Mengden:

S.B. 106, A bill to be entitled An Act relating to the recovery of treble actual damages from certain persons in possession of property unlawfully acquired or concealed and other persons participating in the unlawful conduct; prescribing certain rules of evidence and venue in cases brought under this Act; providing an affirmative defense; prohibiting use of defendant's testimony in a subsequent criminal proceeding; and declaring an emergency.

To Committee on Jurisprudence.

By Senators Schwartz and Mauzy:

S.B. 107, A bill to be entitled An Act relating to the collection, maintenance, and dissemination of information identifiable to individuals; amending Chapter 181, Acts of the 44th Legislature, 1935, as amended, by adding Subsection (3) to Section 14 (Article 4413(14), Vernon's Texas Civil Statutes), and by amending Subsection (4), Section 15 (Article 4413(15), Vernon's Texas Civil Statutes); amending Article 42.12, Code of Criminal Procedure, 1965, as amended, by adding Section 36; providing penalties; and declaring an emergency.

To Committee on Jurisprudence.

By Senators Schwartz and Mauzy:

S.B. 108, A bill to be entitled An Act relating to the conduct of criminal intelligence investigations by state law enforcement agencies and handling of information procured; prohibiting noncriminal intelligence investigations; defining certain offenses; providing criminal penalties and private remedies; and declaring an emergency.

To Committee on Jurisprudence.

By Senators Schwartz and Mauzy:

S.B. 109, A bill to be entitled An Act relating to disclosure of privileged information by a minister, priest, rabbi, or Christian Science practitioner in certain court proceedings; amending Section 1, Chapter 435, Acts of the 60th Legislature, 1967, (Vernon's Texas Civil Statutes, Article 3715a); and declaring an emergency.
To Committee on Jurisprudence.

By Senators Mauzy and Schwartz:

S.B. 110, A bill to be entitled An Act making privileged certain information given by a patient to a licensed physician; providing exceptions in certain cases; and declaring an emergency.
To Committee on Jurisprudence.

By Senators Schwartz and Mauzy:

S.B. 111, A bill to be entitled An Act authorizing the attorney general to enforce on his own initiative the provisions of the Texas Clean Air Act, the Texas Water Quality Act, the Solid Waste Disposal Act, the Disposal Well Act, or any rule, regulation, or order issued pursuant thereto; and declaring an emergency.
To Committee on State Affairs.

NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate:

Tuesday, January 28, 1975

S.B. 11 - Senator McKinnon

S.B. 56 - Senator Moore

S.B. 62 - Senator Aikin

Thursday, January 30, 1975

S.B. 87 - Senator Moore

MEMORIAL RESOLUTIONS

S.R. 69 - By Senator Brooks: Memorial resolution for Dr. Otto Bryant Ramsey.

S.R. 70 - By Senator Snelson: Memorial resolution for Mrs. William B. Blakemore II.

S.R. 73 - By Senator Ogg: Memorial resolution for The Reverend Hugh J. Haffey, C.S.B.

S.R. 74 - By Senator Doggett: Memorial resolution for Mrs. H. Y. (Emeline Martin) Price.

S.R. 75 - By Senator Doggett: Memorial resolution for Mrs. Bertha McKee Dobie.

WELCOME AND CONGRATULATORY RESOLUTIONS

H.C.R. 15 - Expressing appreciation to The Honorable John Tower, et al.